



CALIFORNIA STATE PERSONNEL BOARD

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ARNOLD SCHWARZENEGGER, Governor



SUMMARY MINUTES – SEPTEMBER 23, 2008

OPEN SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

MEMBERS PRESENT:

Sean Harrigan, President
Anne Sheehan, Member
Patricia Clarey, Member

2. REPORT OF THE EXECUTIVE OFFICER

- Suzanne M. Ambrose

- On September 22, 2008, SPB staff had its first meeting with the HR MOD Advisory Committee. The committee includes Labor Agency Secretary Vicki Bradshaw, Cynthia Bryant from the Governor's Office, Roger Valine former CEO of VSP, Anne Boynton former Undersecretary, HHSA, and Christy Quinlan from the State CIO office. These individuals were able to give valuable feedback and provide direction regarding the HR MOD Project.
- Mike Strazzo, Division Chief over SPB's Merit Operations Division will be retiring at the end of 2008.
- SPB has just released a video that documents "a day in the life of" a social worker. The video titled, "Making the Decision to Make a Difference", is a product of SPB's contract under the Merit System Services Program with Cooperative Personnel Services (CPS). SPB is issuing the video throughout the state to address situations at the local and county level, where individuals become employed as social workers, but may not know the true challenges of being a social worker. The video contains testimonials of other social workers and documents the emotional challenges as well as the rewards.
- Later this week, SPB will be issuing a Pinkie on the 511b form. The form is used by analysts and technicians to screen applicants for civil-service exams. SPB staff has revised the policy surrounding the use of the 511b form and have modified the form. Member Sheehan asked staff to make sure we receive input from stakeholders on the revisions to the form. Staff has an upcoming HR AD HOC meeting with various State Departments to discuss the policy changes regarding the 511b form.
- Following the issuance of an April 2008 memo by DPA that changed the way CEAs were compensated, SPB staff processed the paperwork in order to realign four CEAs to higher levels. Due to inconsistent policy direction by SPB, confusion has resulted within and outside SPB as to whether an examination is required when realigning CEAs in place with no change in salary. In 1993 and 1996 SPB issued written instructions to Departments indicating that no examination is required. Since 2007,

SPB staff has verbally instructed Departments that an examination is required and posted FAQs on the SPB website to that effect. Subsequently, the SPB appointments were voided pending clarification of the Board's policy on whether an examination is required for such transactions. Staff recommends that the Board consider adopting a rule to clarify the procedures for CEA realignment. Staff further recommends that the Board hold a hearing to allow all stakeholders to provide input on this issue. Staff will try to schedule the hearing for the November 3rd Board Meeting.

3. REPORT OF THE ACTING CHIEF COUNSEL

- Bruce Monfross

- SPB has received a decision from the 2nd District Court of Appeals in the Department of Mental Health v. State Personnel Board with Joseph Martinez named as the real party in interest. This case affirmed the trial court's denial of a writ of mandate filed by the Department of Mental Health concerning the non-precedential Board decision. The 2nd District Court of Appeals agreed with the Trial court that the Board did not abuse its discretion and that the 3-2 split decision of the Board fortified the conclusion that reasonable minds could differ as to whether the Appellant should or should not have been terminated from state employment.
- Walker v. Schwarzenegger, where SPB has been named as the real party in interest. Staff received notice that DPA has filed a demurrer to SEIU's writ petition challenging those portions of the July Executive Order relating to the termination of services for specified categories of employees (seasonal, part-time, retired annuitants, etc.). A hearing is set for October 31, 2008, in Sacramento. Staff filed a modified notice of appearance stating there is nothing for SPB to decide.
- The court has issued an order relating to the Walker case and to another SEIU petition challenging the failure to pay timely wages. The court denied the request to relate two other cases (Gilb v. Chiang and Vescovo v. Schwarzenegger) to Walker v. Schwarzenegger.
- Although staff has not seen a direct order, the court's notice indicates that Gilb v. Chiang has been removed to Federal court because of its FLSA issue. The Superior court hearing scheduled for September 12, 2008, has been cancelled and the Federal court hearing will take place towards the end of October.
- Regarding Plata v. Schwarzenegger: on September 15, 2008, the Receiver's office filed a status report with the court. A copy of that report has been previously forwarded to the Board members. Most of the report does not deal directly with SPB, but a few portions do address SPB and the purported difficulties the Receiver's office has been experiencing with examination and classification issues as well as getting the position disciplinary review process started.

- On September 19, 2008, the Receiver's office and SPB filed a joint status report concerning the status of the position disciplinary review process.
- Senior Staff Counsel Stephanie Ridgeway-Ramirez has left the State Personnel Board and has accepted a position with the Bureau of State Audits. Her last day with the Board was September 12, 2008.

4. REPORT ON LEGISLATION

- Carol Ong

The following enrolled bills have now moved onto the Governor's desk:

- **SB 1472**, which is SPB's CEA bill that would expand the CEA candidate pool.
- **SB 1505**, relating to the streamlining of the Whistleblower Protection Act process.
- **AB 2308**, which requires, as the Board deems appropriate, to waive the requirement of a high school diploma as a reasonable accommodation for candidates who qualify as an eligible person with a disability.
- **AB 3065**, which would allow veterans to apply for promotional civil service exams, including CEA's.

5. DISCUSSION OF UPCOMING BOARD MEETING SCHEDULED FOR OCTOBER 3, 2008, IN SACRAMENTO, CALIFORNIA.

NONE

6. NEW BUSINESS

Items may be raised by Board Members for scheduling and discussion for future meetings.

NONE

CLOSED SESSION OF THE STATE PERSONNEL BOARD

7. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matters submitted at prior hearing.

[Government Code Sections 11126(c)(3), 18653(3)]

8. DELIBERATION ON NON-EVIDENTIARY CASES AND ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES

Deliberations on proposed, rejected, remanded, and submitted decisions, petitions for rehearing, and other matters related to cases heard by

Administrative Law Judges of the State Personnel Board or by the Board itself.

[Government Code sections 11126(c)(3), 18653]

9. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.

[Government Code sections 11126(e)(1), 18653.]

California Highway Patrol, et al. v. State Personnel Board, et al.

Sacramento Superior Court

Case No. 34-2008-00002G14-CU-WM-GDS

California Department Corrections and Rehabilitation, et al. v. State Personnel Board, et al.

Sacramento Superior Court

Case No. 34-2007-00883875-CU-WM-GDS

Patrick McCollum v. State of California

United States District Court, Northern District of California

Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.

Case No. C01-1351 TEH

Yvonne Walker, Service Employees International Union, Local 1000 v.

Arnold Schwarzenegger, et al., Sacramento Superior Court Case No. 34-

2008-40000001-CU-PT-GDS

10. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the Legislature.

[Government Code section 18653]

11. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the Governor.

[Government Code section 18653]

12. EMPLOYEE PERSONNEL MATTER

Discussion concerning the appointment and employment of Chief Counsel candidates. [Government Code section 11126(a)(1)]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

BOARD ACTIONS:

13. RESOLUTION EXTENDING TIME PURSUANT TO GOVERNMENT CODE SECTION 18671.1

ACTION: ADOPTED

VOTE: Harrigan, Sheehan, Clarey – Aye

14. SUBMITTED ITEMS

A. DEPARTMENT OF TRANSPORTATION'S CAREER EXECUTIVE ASSIGNMENT (CEA) PROPOSALS UNDER CONSIDERATION (Multiple Districts)

Staff from PEGC requested a hearing to discuss multiple CEA proposals that were listed on the March 25, 2008, State Personnel Board Agenda. PEGC and CalTrans Director Wil Kempton addressed the five-member Board on August 8, 2008. The Board took the matter under submission.

NO ACTION

B. CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION'S PROPOSED ESTABLISHMENT OF NEW CLASS, MENTAL HEALTH THERAPIST

Department of Corrections and Rehabilitation proposed the establishment of a new class, Mental Health Therapist, Correctional Facility, with a twelve month probationary period and designation of the class as sensitive under State Personnel Board Rule 213 for the purpose of pre-employment drug testing.

NO ACTION

15. ANNOUNCEMENT OF ACTION TAKEN ON EVIDENTIARY CASES

On September 23, 2008, the Board took the following action on the cases listed as presented by Bruce Monfross, Acting Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey – Aye

A. BOARD CASES SUBMITTED

(1) CASE NO. 06-0817A

Appeal from dismissal

Classification: Industrial Relations Counsel IV

Department: Department of Industrial Relations

Proposed decision rejected March 25, 2008.

Transcript prepared.

Oral argument set for June 9-10, 2008, Sacramento.

Oral argument continued.

Oral argument heard July 8, 2008, Sacramento.
Case ready for decision by FULL Board.

NO ACTION

(2) CASE NO. 07-2581A

Appeal from rejection during probation

Classification: Correctional Officer Cadet

Department: Department of Corrections and Rehabilitation

Proposed decision rejected on May 13, 2008.

Transcripts prepared.

Oral argument heard September 3, 2008, Sacramento.

Case ready for decision by FULL Board.

NO ACTION

(3) CASE NO. 07-1295A

Appeal from dismissal

Classification: Fire Apparatus Engineer-Paramedic

Department: Department of Forestry and Protection

Proposed decision rejected on May 13, 2008.

Transcripts prepared.

Oral argument heard September 3, 2008, Sacramento.

Case ready for decision by FULL Board.

NO ACTION

(4) CASE NO. 07-2966EA

Appeal from discrimination complaint

Classification: Environmental Planner

Department: Department of Transportation

Proposed decision rejected May 13, 2008.

Transcripts prepared.

Oral argument heard September 3, 2008, Sacramento.

Case ready for decision by FULL Board.

NO ACTION

B. ORAL ARGUMENTS

NONE

C. CHIEF COUNSEL RESOLUTIONS, REMANDS, STIPULATIONS, OTHER

NONE

D. ADMINISTRATIVE LAW JUDGES' PROPOSED DECISIONS

PROPOSED DECISIONS AFTER HEARING

- (1) **CASE NO. 07-1490**
Appeal from five percent reduction in salary for 12 months
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation
ACTION: SUBMITTED
- (2) **CASE NO. 05-4338E & 05-4339**
Appeal from five percent reduction in salary for 15 pay periods
Classification: Registered Nurse
Department: Department of Corrections and Rehabilitation
ACTION: The Board rejected the ALJ's Proposed Decision.
- (3) **CASE NO. 06-3008**
Appeal from dismissal
Classification: Eligibility Worker II
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision.
- (4) **CASE NO. 07-0482**
Appeal from dismissal
Classification: Lead Groundskeeper
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision.
- (5) **CASE NO. 07-3575E**
Appeal from discrimination/retaliation complaint
Classification: Research Scientist IV (Chemical Sciences)
Department: Department of Health Services
ACTION: The Board adopted the ALJ's Proposed Decision.

- (6) **CASE NO. 07-1814**
Appeal from ten percent reduction in salary for 12 months
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision.
- (7) **CASE NO. 07-0110**
Appeal from 10 working days suspension
Classification: Academic Instructor
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision.
- (8) **CASE NO. 06-4369**
Appeal from termination from CEA assignment
Classification: Chief Deputy Warden
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision.
- (9) **CASE NO. 06-2883**
Appeal from dismissal
Classification: Plumber
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision.

PROPOSED DECISIONS AFTER BOARD REMAND

NONE

PROPOSED DECISIONS AFTER SPB ARBITRATION

NONE

E. PETITIONS FOR REHEARING

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

- (1) **CASE NO. 07-1902P**
Appeal from dismissal
Classification: Carpenter II, (CF)
Department: Department of Corrections and Rehabilitation
ACTION: DENIED
- (2) **CASE NO. 08-1752EP**
Appeal from whistleblower retaliation complaint
Classification: Teacher
Department: Chaffey Community College District
ACTION: DENIED
- (3) **CASE NO. 06-4573NP**
Appeal from withhold from certification
Classification: Youth Correctional Counselor
Department: Department of Corrections and Rehabilitation
ACTION: DENIED
- (4) **CASE NO. 05-3439DP**
Appeal from examination
Classification: Motor Vehicle Technician
Department: Department of Motor Vehicles
ACTION: DENIED
- (5) **CASE NO. 06-4111P**
Appeal from dismissal
Classification: Correctional Lieutenant
Department: Department of Corrections and Rehabilitation
ACTION: DENIED
- (6) **CASE NO. 07-2517P**
Appeal from dismissal
Classification: Police Officer
Department: California State University, San Bernardino
ACTION: DENIED

F. PENDING BOARD REVIEW

- (1) **CASE NO. 06-2706PA**
Appeal from dismissal
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation

Proposed decision rejected December 4, 2007.
Transcript prepared.
Oral argument set for August 8, 2008, Sacramento.
Oral argument continued.
Oral argument set for October 3, 2008, Sacramento.

(2) CASE NO. 04-1782A

Appeal from constructive medical suspension
Classification: Correctional Counselor I
Department: Department of Corrections and Rehabilitation
Proposed decision rejected June 24, 2008.
Transcripts prepared.
Oral argument set for October 3, 2008, Sacramento.

(3) CASE NO. 06-2737PA

Appeal from dismissal
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation
Petition for rehearing granted April 22, 2008.
Transcripts prepared.
Oral argument set for August 8, 2008, Sacramento.
Oral argument continued.
Oral argument set for October 3, 2008, Sacramento.

16. ANNOUNCEMENT OF ACTION TAKEN ON NON-EVIDENTIARY CASES

On September 23, 2008, the Board took the following action on the cases listed as presented by Bruce Monfross, Acting Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey – Aye

A. WITHHOLD APPEALS

WITHHOLD FROM CERTIFICATION
CASES NOT HEARD BY A STAFF HEARING OFFICER

(1) CASE NO. 07-0629N

Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative driving history and negative employment history.
ACTION: DENIED

- (2) **CASE NO. 06-3238N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; felony conviction for Driving Under the Influence.
ACTION: DENIED
- (3) **CASE NO. 06-4561N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; did not register with the Selective Service System.
ACTION: DENIED
- (4) **CASE NO. 07-1314N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative law enforcement contacts and negative driving history.
ACTION: GRANTED
- (5) **CASE NO. 06-4543N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information, negative employment history, illegal drug activity and negative law enforcement contacts.
ACTION: DENIED
- (6) **CASE NO. 06-4656N**
Classification: Youth Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information.
ACTION: DENIED
- (7) **CASE NO. 06-4544N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; illegal drug use.
ACTION: GRANTED

- (8) CASE NO. 07-0418N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative employment history.
ACTION: GRANTED
- (9) CASE NO. 07-1023N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; illegal drug use within ten years of application.
ACTION: DENIED
- (10) CASE NO. 07-0151N**
Classification: Parole Agent I
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information.
ACTION: DENIED
- (11) CASE NO. 07-2745N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative employment history and omitting pertinent information during the selection process.
ACTION: DENIED
- (12) CASE NO. 06-4545N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability, illegal drug use.
ACTION: DENIED
- (13) CASE NO. 07-0241N**
Classification: Youth Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; fraud.
ACTION: DENIED

- (14) CASE NO. 07-2499N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information during the selection process.
ACTION: DENIED
- (15) CASE NO. 07-3776N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative law enforcement contacts and omitting pertinent information.
ACTION: DENIED
- (16) CASE NO. 06-4623N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information.
ACTION: DENIED
- (17) CASE NO. 06-4747N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; furnishing inaccurate information and omitting pertinent information.
ACTION: DENIED
- (18) CASE NO. 07-0227N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative driving history, negative employment history, failure to comply with legal obligations and negative law enforcement contacts.
ACTION: DENIED
- (19) CASE NO. 06-4443N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative employment history.
ACTION: GRANTED

- (20) **CASE NO. 07-0812N**
Classification: Cadet
Department: California Highway Patrol
Issue: Suitability; omitting pertinent information and negative driving history.
ACTION: DENIED
- (21) **CASE NO. 07-2292N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative employment history.
ACTION: DENIED
- (22) **CASE NO. 07-0613N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information, providing inaccurate information, negative driving history and negative law enforcement contacts.
ACTION: DENIED
- (23) **CASE NO. 06-4439N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information and negative law enforcement contacts.
ACTION: DENIED
- (24) **CASE NO. 06-4398N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information and negative employment history.
ACTION: DENIED
- (25) **CASE NO. 07-0221N**
Classification: Youth Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information.
ACTION: GRANTED

- (26) CASE NO. 06-4431N**
Classification: Cadet
Department: California Highway Patrol
Issue: Suitability; failure to provide accurate information.
ACTION: DENIED
- (27) CASE NO. 07-0731N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative law enforcement contacts and negative employment history.
ACTION: DENIED
- (28) CASE NO. 07-0259N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; drug use.
ACTION: DENIED
- (29) CASE NO. 06-3454N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information.
ACTION: DENIED
- (30) CASE NO. 06-4406N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; illegal drug use.
ACTION: DENIED
- (31) CASE NO. 06-4500N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative driving history and failure to comply with legal obligations.
ACTION: DENIED

- (32) CASE NO. 06-4518N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; failure to provide accurate information.
ACTION: DENIED
- (33) CASE NO. 06-4494N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information.
ACTION: DENIED
- (34) CASE NO. 06-4511N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; failure to provide information needed to complete background investigation.
ACTION: DENIED
- (35) CASE NO. 06-4636N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information.
ACTION: DENIED
- (36) CASE NO. 06-4764N**
Classification: Public Safety Dispatcher II
Department: California Highway Patrol
Issue: Suitability; omitting pertinent information.
ACTION: DENIED
- (37) CASE NO. 07-0443N**
Classification: Automotive Technician II
Department: California Highway Patrol
Issue: Suitability; negative law enforcement contacts.
ACTION: DENIED

- (38) **CASE NO. 06-4485N**
Classification: Youth Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information and negative work history.
ACTION: DENIED
- (39) **CASE NO. 07-0444N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information and negative law enforcement contacts.
ACTION: DENIED
- (40) **CASE NO. 06-4183N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information.
ACTION: DENIED
- (41) **CASE NO. 06-4273N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative employment history.
ACTION: DENIED
- (42) **CASE NO. 07-0523N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information.
ACTION: DENIED
- (43) **CASE NO. 07-0017N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative law enforcement contacts, negative driving history and omitting pertinent information.
ACTION: DENIED

- (44) **CASE NO. 07-0031N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information, prior gang affiliation.
ACTION: DENIED
- (45) **CASE NO. 06-3850N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; felony conviction.
ACTION: GRANTED
- (46) **CASE NO. 06-4197N**
Classification: Cadet
Department: California Highway Patrol
Issue: Suitability; engaging in inappropriate and illegal activity.
ACTION: DENIED
- (47) **CASE NO. 07-0528N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative law enforcement contacts, negative employment history, negative military history and omitting pertinent information.
ACTION: DENIED
- (48) **CASE NO. 06-4180N**
Classification: Cadet
Department: California Highway Patrol
Issue: Suitability; failure to disclose significant and pertinent information and negative driving history.
ACTION: DENIED
- (49) **CASE NO. 07-0029N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; failure to comply with legal obligations.
ACTION: DENIED

(50) CASE NO. 06-4603N

Classification: Correctional Officer

Department: California Department of Corrections and Rehabilitation

Issue: Suitability; omitting pertinent information and negative law enforcement contacts.

ACTION: DENIED

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

CASES HEARD BY A STAFF HEARING OFFICER

NONE

DISMISSED CASES

(1) CASE NO.07-2418N

Classification: Youth Correctional Counselor

Department: Department of Corrections and Rehabilitation

(2) CASE NO. 08-2327N

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

(3) CASE NO. 07-0554N

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

C. EXAMINATION APPEALS, MINIMUM QUALIFICATIONS, MERIT ISSUE COMPLAINTS

NONE

D. RULE 211 APPEALS, RULE 212 OUT OF CLASS APPEALS, VOIDED APPOINTMENT APPEALS

RULE 211

NONE

RULE 212

NONE

VOIDED APPOINTMENT

NONE

E. REQUEST TO FILE CHARGES CASES, PETITION FOR REHEARING

NONE

17. ANNOUNCEMENT OF ACTION TAKEN ON THE NON-HEARING AGENDA

On September 23, 2008, the Board took the following action on the items listed as presented by Bruce Monfross, Acting Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey – Aye

A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.

(1) CAL FIRE TRANSFER OF ATWATER CITY FIRE DEPARTMENT EMPLOYEES

The Department of Forestry and Fire Protection (CAL FIRE) requests that the Atwater City Fire Department employees be transferred into State civil service.

ACTION: GRANTED

B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.

THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD proposes to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

NONE

18. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION

(1) DIRECTOR OF EMERGING PLANT PESTS AND DISEASES

The Department of Food and Agriculture proposes to allocate the above position to the CEA category. The Director of Emerging Plant Pests and Diseases has administrative oversight for global policy formulation and management responsibility for sensitive and critical statewide division programs. This position will be responsible for managing the newly established statewide Light Brown Apple Moth Branch, Policy Analysis and Emerging Plant Pest Threats program, Phytosanitary Issues Management, and permits and regulations.

(2) DEPUTY DIRECTOR, CONSERVATION PLANNING AND WATER RESOURCES DIVISION

The California Department of Fish and Game proposes to revise the existing CEA allocation for the Deputy Director of Regional Operations and change the title to Deputy Director, Conservation Planning and Water Resources Division. The Deputy Director, Conservation Planning and Water Resources Division plays a decisive role in the Department's highest policymaking decisions. This position oversees and provides policy guidance to the division, which consists of two policy and program coordination branches.

(3) DEPUTY DIRECTOR, WILDLIFE AND FISHERIES MANAGEMENT DIVISION

The California Department of Fish and Game proposes to revise the existing CEA allocation for the Deputy Director, Resources Management and Policy Division and change the title to Deputy Director, Wildlife and Fisheries Management Division. The Deputy Director, Wildlife and Fisheries Management Division plays a decisive role in the Department's highest policymaking decisions. This position oversees and provides policy guidance to the division, which consists of three policy and program coordination branches, and the Marine Region.

**(4) DIRECTOR, REGULATIONS AND POLICY
MANAGEMENT**

The California Department of Corrections and Rehabilitation Plata Medical Services proposes to allocate the above position to the CEA category. This position will provide advice and direction to the Secretary, Undersecretaries, and the Assistant Secretary on the development of a wide range of regulations and policies affecting the Department. This position will also establish policy, provide advice and direction to executive staff, and oversee implementation of the Department's new executive decision making process.

(5) CHIEF OF PROGRAM ACCOUNTABILITY

The California Department of Forestry and Fire Protection (CAL FIRE) proposes to allocate the above position to the CEA category. The Chief of Program Accountability is responsible for the planning and managing, administration, and policy development of the CAL FIRE Program Accountability Section, which performs a variety of complex technical management audits. This position also functions as the CAL FIRE Information Security Officer and Privacy Officer.

(6) ASSISTANT DEPUTY DIRECTOR

The California Department of Developmental Services proposes to allocate the above position to the CEA category. The Assistant Deputy Director will be responsible for influencing and developing policy in all of the administrative areas in the division. This position will develop new policy as well as implement existing policy and will play a significant policy direction role in the Developmental Center and Community Facilities budget.

(7) VICE PRESIDENT OF PROGRAMMING

The California Department of Food and Agriculture proposes to allocate the above position to the CEA category. The Vice President of Programming works directly with the Chief Executive Officer and the Board of Directors in setting policies that impact the planning, development, and implementation of all entertainment programs for the Orange County Fair and Event Center. As a member of the executive staff the Vice President of Programming will participate in all policy decisions affecting the governance of the district.

(8) VICE PRESIDENT OF OPERATIONS

The California Department of Food and Agriculture proposes to allocate the above position to the CEA category. The Vice President of Operations works directly with the Chief Executive Officer and the Board of Directors in setting policies that impact the planning, development, and implementation of all activities in support of the Orange County Fair and Event Center's Summer Fair and Agricultural Education Program. As a member of the executive staff the Vice President of Programming will participate in all policy decisions affecting the governance of the district.

(9) ASSISTANT PROGRAM BUDGET MANAGER

The California Department of Finance proposes to allocate the above position to the CEA category. The Assistant Program Budget Manager in the Health and Human Services Unit has major responsibility for the recommending and developing policies impacting all segments of legislation through the state's fiscal budgetary process. This position will independently influence, recommend, and negotiate statewide budget policy decisions.

(10) DEPUTY DIRECTOR OF HUMAN RESOURCES

The California State Lottery proposes to revise the existing CEA allocation for the Chief of Human Resources and change the title to Deputy Director of Human Resources. The Deputy Director of Human Resources is responsible for establishing policies relating to personnel management practices of the Lottery. This position will participate in setting the direction of the department, with significant policy identification, influence, and decision-making responsibility for the human resource programs.

(11) REGIONAL COMMUNITY PROGRAM ADMINISTRATOR (REGIONS 1, 2, 3, 4, 5, 6, 7) (7 POSITIONS)

The California Department of Corrections and Rehabilitation proposes to allocate the above seven positions to the CEA category. Each Regional Community Program Administrator will be responsible for the administration of a very large and complex geographical region of the state. These positions will develop and implement regional operational policies for initiation and maintenance of successful collaborations with local

government, community-based providers, foundations, and others in creating adult offender reentry programs.

(12) CHIEF DEPUTY, FIELD OPERATIONS

The California Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Chief Deputy, Field Operations will be responsible for the management of the Board of Parole Hearings' quasi-judicial administrative hearing process. The position will also be responsible for the statewide formulation and implementation of policies and procedures related to the parole authority's quasi-judicial hearing operations and processes.

(13) CHIEF, HEARING OPERATIONS, NORTHERN REGION

The California Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Chief, Hearing Operations, Northern Region will be responsible for policy development and formulation pertaining to the parole quasi-judicial administrative hearing process for the Decentralized Revocation units within the northern geographical region.

(14) CHIEF, HEARING OPERATIONS, SOUTHERN REGION

The California Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Chief, Hearing Operations, Southern Region will be responsible for policy development and formulation pertaining to the parole quasi-judicial administrative hearing process for the Decentralized Revocation units within the southern geographical region.

ACTION: NOTED

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS

(1) PRIVACY AND SECURITY OFFICER

The California Public Employees' Retirement System's request to allocate the above position was approved effective September 4, 2008.

(2) CHIEF, E-HEALTH STANDARDS BRANCH

The California Health and Human Services Agency's request to allocate the above position was approved effective September 4, 2008.

- (3) ASSISTANT DIRECTOR, OFFICE OF HEALTH INFORMATION INTEGRITY**
The California Health and Human Services Agency's request to allocate the above position was approved effective September 4, 2008.
- (4) CHIEF, ADMINISTRATIVE LAW JUDGE**
The Department of Alcoholic Beverage Control's request to allocate the above position was approved effective September 4, 2008.
- (5) DIRECTOR, ADMINISTRATIVE SUPPORT**
The California Department of Corrections and Rehabilitation Plata Medical Service's request to allocate the above position was approved effective September 4, 2008.
- (6) UNDERSECRETARY, CORRECTIONS SERVICES**
The California Department of Corrections and Rehabilitation Plata Medical Service's request to allocate the above position was approved effective September 4, 2008.
- (7) ACTIVATION TEAM SUPERINTENDENT OF CORRECTIONS SERVICES (7 POSITIONS)**
The California Department of Corrections and Rehabilitation Plata Medical Service's request to allocate the above positions was approved effective September 4, 2008.
- (8) CHIEF, ENTERPRISE ARCHITECTURE AND CHANGE MANAGEMENT**
The California Department of Corrections and Rehabilitation Plata Medical Service's request to allocate the above position was approved effective September 4, 2008.
- (9) DIRECTOR, REHABILITATION SERVICES**
The California Department of Corrections and Rehabilitation Plata Medical Service's request to allocate the above position was approved effective September 4, 2008.

(10) DIRECTOR, SECURITY SERVICES

The California Department of Corrections and Rehabilitation Plata Medical Service's request to allocate the above position was approved effective September 4, 2008.

(11) DIRECTOR, CLASSIFICATION AND CASE RECORDS SERVICES

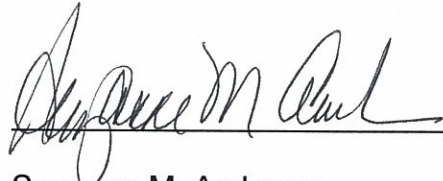
The California Department of Corrections and Rehabilitation Plata Medical Service's request to allocate the above position was approved effective September 4, 2008.

ACTION: NOTED

A D J O U R N M E N T

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting held on October 21, 2008.

VOTE: Harrigan, Costigan, Clarey – Aye

A handwritten signature in black ink, appearing to read "Suzanne M. Ambrose", is written over a horizontal line.

Suzanne M. Ambrose
Executive Officer
California State Personnel Board